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SEP 23 2004

NO. 4861 P. 1/3

**PATENT**

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Jane A. Walker September 23, 2004  
Jane A. Walker Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No: 09/971,902  
Conf. No.: 4028  
Filed: October 5, 2001  
Applicants: Oeltgen et al.  
Title: **METHOD FOR TREATING CYTOKINE  
MEDIATED HEPATIC INJURY**  
Art Unit: 1647  
Examiner: Hamud  
Attorney Docket: ZYM-09US

Cincinnati, Ohio

September 23, 2004

Mail Stop AF  
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P.O. Box 1450  
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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed March 24, 2004, finally rejecting claims 1-12.

The item(s) checked below are appropriate:

1. **Status of Applicant**

This application is on behalf of

☒ other than a small entity.  
☐ a small entity.

2. **Fee for Filing Notice of Appeal**

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

☐ small entity \$165.00  
☒ other than a small entity \$330.00

Notice of Appeal fee due \$330.00

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) \_\_\_ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
___ one month	\$ 110.00	\$ 55.00
___ two months	\$ 420.00	\$210.00
___ three months	\$ 950.00	\$475.00
___ four months	\$1,480.00	\$740.00
___ fifth month	\$2,010.00	\$1,005.00

Fee \$ \_\_\_\_\_

\_\_\_ Attached is a check in the amount of \$ \_\_\_\_\_ for the one month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ \_\_\_\_\_

OR

(b) X Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## 3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$330.00.  
Extension fee (if any) \$\_\_\_\_\_.

Total Fee due \$330.00

## 4. Fee Payment

   Attached is a check is the sum of \$\_\_\_\_\_

  X   The Commissioner is hereby authorized to charge the amount of \$330.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

## 5. Fee Deficiency

  XX   Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON &amp; EVANS, L.L.P.

By Beverly A. Lyman  
Beverly A. Lyman, Ph.D.  
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